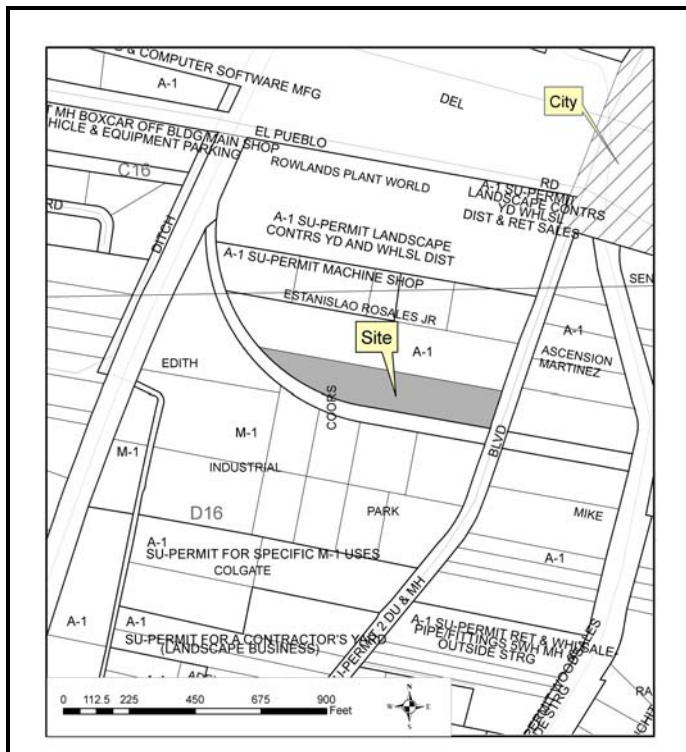


Applicant: Grontrout LLC,
Agent: Dekker/Perrich/Sabatini
Location: 8101 Edith Blvd., NE,
Property Size: 2.17 acres (approximately)
Existing Zone: A-1
Proposed Zoning/SUP Special Use Permit for Contractor's Yard (Nursery)
Recommendation: Approval



Summary: This request is for a Special Use Permit for a Contractor's Yard (nursery) and a caretaker's residence on a 2.17 acre property located on Edith Blvd. about 1000 feet south of El Pueblo Rd. The site will accommodate growing areas for the Plant World establishment, which is located about 400 feet to the north and is also seeking a new Special Use Permit to expand its operation (CSU-60021). Plant World has been in existence as a nursery product wholesale distribution operation since the early 1990s.

Staff Planner: Catherine VerEecke, Program Planner

Attachments:

1. Application
2. Land Use and Zoning Maps
3. Letter of support
4. Site Plan (Commissioners only)

Bernalillo County Departments and other agencies reviewed this application from 4/24/06 to 6/07/06. Their comments were used in preparation of this report, and begin on Page 11.

AGENDA ITEM NO.: 9
County Planning Commission
June 7, 2006

CSU-60020 Dekker/Perich/Sabatini, agent for Grontrout LLC, requests approval of a Special Use Permit for a Contractor's Yard (for Nursery) on Tract 2A3, located at 8101 Edith Boulevard NE, on the west side of Edith approximately 1200 feet north of Ranchitos Road, zoned A-1, containing approximately 2.17 acres. (D-16).

AREA CHARACTERISTICS AND ZONING HISTORY
Surrounding Zoning & Land Uses

	Zoning	Land use
Site	A-1	Residential
North	A-1	Vacant
South	-- M-1	Railroad Spur Edith Industrial Park
East	A-1	Single family residential
West	-- M-1	Railroad Edith Industrial Park

BACKGROUND:

The Request

The applicant is requesting a Special Use Permit for a Contractor's Yard (nursery) and a caretaker's residence on a 2.17 acre property located on Edith Blvd. about 1000 feet south of El Pueblo Rd., nearby Paseo del Norte. At present, the subject property includes a residence and carport.

This request came about as a result of the expansion of Rowland's Plant World, which is a nursery wholesale distributor of plants and landscaping materials, located about 500 feet north of the subject property. The use has been permitted under a Special Use Permit for a Landscape Contractor's Yard (CZ-91-5; CSU-91-5), which is also being amended at this time to expand the total area of the business to approximately 13 acres (CSU-60020). The subject property is separated from the existing business by a single parcel, which belongs to another property owner and is not part of this request.

Under this request, the subject property will be used as part of the nursery (tree plantings) with the existing residence to be used as a caretaker's residence. Trees would be transported to the main portion of the business to the north for distribution.

Request justification.

In the response to Resolution 116-86, the agent states that the proposed use is consistent with the site's vicinity and with the Comprehensive Plan Rural Area Designation in that the property will be engaged in an activity related to agricultural production. It is therefore advantageous to the community.

Surrounding Land Uses and Zoning

The vicinity of the site has both light industrial and residential uses. As noted above, the main portion of Rowland's Plant World now covers about 13 acres, extending north to El Pueblo Rd. near Paseo del Norte. On the west side of Edith Blvd., properties to the south of the site, near the railroad spur, have M-1 zoning (CZ-81-61). Properties further south have A-1 zoning with Special Use Permits for non-residential uses, including a 5.9 acre property with a Special Use Permit for M-1 Uses (CZ-85-6), which currently has a tree service on it. Further south of this, a 4.5 acre property has had Special Use Permits, with the most recent being a for a Contractor's Yard (Landscape Business) (CZ-20). Also further south on the west side of Edith Blvd., beyond the landscape contractor's yards, properties are all residential with the exception of the Mt. Carmel Church.

On the east side of Edith Blvd., properties mainly have single family residences on them. However, to the south east of the site, a property has a Special Use Permit for retail and wholesale of pipe-fittings.

APPLICABLE PLANS AND POLICIES:

Albuquerque/Bernalillo County Comprehensive Plan

The site is located in the Rural Area as delineated in the Albuquerque/Bernalillo County Comprehensive Plan. The principal goal for this area is to "maintain the separate identity of

rural areas as alternatives to urbanization by guiding development compatible with their open character, natural resources, and traditional settlement patterns.”

Policy 3.a of the Plan (Land Use) states that “Rural Areas as shown by the Plan Map shall generally retain their rural character with development consisting primarily of ranches, farms, and single-family homes on large lots; higher density development may occur at appropriate locations – within rural villages or planned communities. Overall gross densities shall not exceed one dwelling unit per acre.”

Policy 3.g states that the following policies shall guide commercial development in rural areas:

- Small-scale, local industries which employ few people and may sell products on the same premises are the most desirable industrial use.
- Neighborhood and/or community-scale rather than regional-scale commercial centers are appropriate for rural areas. Strip commercial development should be discouraged and, instead, commercial development should be clustered at major intersections and within designated mountain and valley villages.

North Valley Area Plan

This property is located within the Rural area of the North Valley Area Plan. The Plan states, following the Comprehensive Plan, that overall densities should not exceed one dwelling unit per acre in the Rural Area.

Policy 2 (Land Use) states ‘The City and County shall stabilize residential zoning and land use in the North Valley Area.’ This may be accomplished through the following:

- a. Limit the location, duration, and type of new uses allowed by Special Use Permit.
- b. Cancel discontinued Special Use Permits granted where existing conditions of approval are not met and permits that are otherwise in violation of the Zoning Ordinance.
- c. Retain existing County A-1 zoning as the only Rural Agricultural zone intended to provide agricultural activities and spacious development.
- d. Require landscape buffering and other measures necessary to limit potential impacts of non-residential uses on residential areas.
- e. Retain the low density character of the North Valley.

Policy 3.a (Land Use) states that “the City and County shall retain existing residential zoning on Alameda Blvd., Second Street, and on future roadway corridors.”

Policy 7.1 states the City and County shall stabilize land use to protect affordable housing and land presently zoned for housing.

- a. Maintain and expand areas zoned for residential uses including A-1, R-1, M-H
- b. Limit encroachment of non-residential uses into residential areas
- c. Encourage residential zoning of parcels with residential uses.

The property is also located within the Edith Blvd. Corridor Area, which extends from Menaul Blvd. to Roy/Tramway Rd. west to the Santa Fe Railroad and east to the Municipal Limit. It is in the North Edith Blvd. Sub-Area that extends north from Osuna Road to the Sandia Reservation. The area nearby the site is characterized mainly as ‘rural’ and also as having a number of recognized historic properties.

The "Trend Scenario" notes an apparent trend toward heavy commercial and light industrial uses along Edith Blvd, encroaching into residential areas and for Edith to become a commercial route.

Under the "Comprehensive Plan" and "Preferred Scenarios", the North Valley Area Plan states the current situation would be preserved with residential development and less traffic along Edith Blvd., recognizing its historic character. Economic development would be limited to home occupations in the residential areas and small-scale businesses along Edith Blvd. It states there is some industrial development adjacent to Paseo Del Norte.

The "Preferred Scenario" still states a preference for uses allowed under the existing zoning.

The Plan states that the "land use pattern should reflect the present zoning" (Appendix, p.4).

Bernalillo County Zoning Ordinance

Resolution 116-86 lists policies for evaluating a Zone Map changes and Special Use Permit applications.

- A. A proposed land use change must be found to be consistent with the health, safety, and general welfare of the residents of the County.
- B. The cost of land or other economic considerations pertaining to the applicant shall not be the determining factor for a land use change.
- C. A proposed land use change shall not be in significant conflict with adopted elements of the Comprehensive Plan of other Master Plans and amendments thereto including privately developed area plans which have been adopted by the County.
- D. Stability of the land use and zoning is desirable; therefore, the applicant must provide a sound justification for land use change. The burden is on the applicant to show why the change should be made.
- E. The applicant must demonstrate that the existing zoning is inappropriate because:
 - 1. There was an error in the original zone map.
 - 2. Changed neighborhood or community conditions justify a change in land use or
 - 3. A different use category is more advantageous to the community as articulated in the Comprehensive Plan or other County Master Plan, even though (1) and (2) above do not apply.
- F. A land use change shall not be approved where some of the permissive uses in the land use change would be harmful to adjacent property, the neighborhood or the community.
- G. A proposed land use change which, to be utilized through land development, requires major and unprogrammed capital expenditures by the County may be:
 - 1. denied due to lack of capital funds; or

2. granted with the implicit understanding that the County is not bound to provide the capital improvements on any special schedule.
- H. Location on a collector or major street is not itself sufficient justification of apartment, office, or commercial zoning.
- I. A zone change request which would give a zone different from the surrounding zoning to one small area, especially when only one premises is involved, is generally called a "spot zone." Such a change of zone may be approved only when:
 1. The change will clearly facilitate revitalization of the Comprehensive Plan and any applicable adopted land use plan; or
 2. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones; because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.
- J. A zone change request which would give a zone different from the surrounding zoning to a strip of land along a street is generally called a "strip zoning." Such a change of zone may be approved only when:
 1. The change will clearly facilitate revitalization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan; or area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones; because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone due to traffic or special adverse uses nearby.

Section 18. Special Use Permit Regulations

- A. By Special Use Permit after receipt of a recommendation from the Bernalillo County Planning Commission, the Board of County Commissioners may authorize the location of uses in any one in which they are not permitted by other sections of this ordinance; the Board of County Commissioners may likewise authorize the increase in height of buildings beyond the limits set fourth by sections of the zoning ordinance. With such permits, the Board of County Commissioners may impose such conditions and limitations as it deems necessary:
 1. To ensure that the degree of compatibility of property uses which this section is intended to promote and preserve shall be maintained with respect to the special use on the particular site and consideration of existing and potential uses of property within the zone and the general area in which the use is proposed to be located.
 2. To ensure that the proper performance standards and conditions are, whenever necessary, imposed upon uses which are, or which reasonably may be expected to

become, obnoxious, dangerous, offensive or injurious to the health, safety, or welfare of the public, or a portion thereof, by reason of the emission of noise, smoke, dust, fumes, vibration, odor, or other harmful or annoying substances;

3. To preserve the utility, integrity and character of the zone in which the use will be located, without adversely affecting adjacent zones;
4. To ensure that the use will not be or become detrimental to the public interest, health, safety, convenience, or the general welfare.

ANALYSIS:

Surrounding Land Use and Zoning

The applicant's nursery business has existed to the north of the subject property for more than 15 years under a Special Use Permit, and has recently expanded to the subject property (in the form of trees), which requires another Special Use Permit. The proposed uses appear to be generally compatible with the uses nearby the property along Edith Blvd. that exist under M-1 zoning or Special Use Permits or are next to the railroad tracks. As a nursery with no retail taking place on the site it will also fit in with the rural, residential uses in the area.

Plans

The request is consistent with the Comprehensive Plan and the North Valley Area Plan land use designations and policies that both call for the vicinity of the site to be predominantly residential and rural but allow for some commercial activities, namely the development of locally-owned and operated businesses. The proposed use (nursery) will be consistent with the 'Rural' Area designation.

Zoning Ordinance

This request appears to be consistent with Resolution 116-86 due to 'changed neighborhood conditions'. There have, indeed, been changes in the immediate vicinity of the site along Edith Blvd., in the last 20 years, including the development of several landscape-type businesses. The Special Use Permit will also help limit the activities on the site and the impacts to adjacent properties by imposing conditions of approval.

However, although a commercial use may be justified on the site, the applicant should explain in greater detail how this request is consistent with the North Valley Area Plan.

Agency Comments

Most departments and agencies either have no comments or did not provide any comments on this request. Environmental Health staff comments indicate that the development is connected to Albuquerque/Bernalillo County water and sewer service. Public Works staff comments state that a grading and drainage plan may be required with additional development.

Zoning comments state that the front portion of the property to be dedicated for on-site landscaping will meet the area requirements. Staff recommends that ground cover (gravel) and shrubs be added, and that the type of irrigation system and maintenance responsibilities be clarified.

Building staff's comments also state that the structure on the site shall not be used for commercial purposes.

Analysis Summary

Zoning	
Resolution 116-86	Use is generally consistent with commercial uses in the area. There are some changed neighborhood conditions. Is an expansion of an existing use that is consistent with the area.
Requirements	Comply with requirements for landscaping; caretaker's residence cannot be used as an office.
Plans	
Comprehensive Plan	Consistent with designation of the general area of the site as 'Rural'.
Area Plan	Will allow development of a locally owned and operated business.
Other Requirements	
Environmental Health	Is connected to Albuquerque/Bernalillo County sewer and water.
Public Works	Grading and drainage plan, as needed.

Conclusion

The applicant has operated his business (Plant World) nearby the subject property since the early 1990s and now wishes to include the property as part of the business as a nursery.

It appears that the current request is appropriate for this site and its vicinity and that it will have minimal impact on the residences to the east of the site and on the general neighborhood in which the site will be located.

Neighborhood associations support this request with conditions of approval (Attachment 3). Although substantial neighborhood support is not required for this type of request, a letter from the property owners to the immediate north has been provided (Attachment 3).

FINDINGS:

1. This is a request for the approval of a Special Use Permit for a Contractor's Yard (for Nursery) and Caretaker's Residence on Tract 2A3, located at 8101 Edith Boulevard NE, on the west side of Edith approximately 1200 feet north of Ranchitos Road, zoned A-1, containing approximately 2.17 acres.
2. The property is located in the Rural Area of the Albuquerque/Bernalillo County Comprehensive Plan and the North Valley Area Plan.
3. The request is not in significant with the Albuquerque/Bernalillo County Comprehensive Plan and the North Valley Area Plan in that the proposed nursery will be consistent with the "Rural Area" designation.
4. The request is consistent with Resolution 116-86 in that changed neighborhood conditions, including the expansion of similar commercial activities nearby the site, justify the land use change.
5. The request is consistent with the health, safety, and general welfare of the residents of Bernalillo County.

RECOMMENDATION:

APPROVAL of CSU-60020, based on the above Findings, with the following Conditions.

Catherine VerEecke
Program Planner

CONDITIONS OF APPROVAL

1. No retail activities shall take place on the site.
2. Lighting shall be site specific. Shielded or cutoff lighting fixtures shall be provided so that no fugitive light crosses into adjacent lots.
3. The residential structure on the site shall be used only as a caretaker's residence and not as an office.
4. There shall be a solid wall at least six-foot high along the property line (north) abutting residential uses to be installed within 6 months of the establishment of residential uses.
5. There shall be a 15 foot landscape setback along Edith Blvd. and a 6 foot wide landscaped buffer between the business and the adjacent residential properties to the south. The landscape buffer shall be installed within six months of the establishment of residential uses.
6. The applicant shall comply with all applicable Bernalillo County ordinances and regulations.
7. A revised site development plan consistent with the Conditions of Approval, including notes on landscaping maintenance, shall be submitted for review and approval to the Bernalillo County Zoning Administrator within two months after the final Board of County Commissioners' approval.
8. The foregoing conditions shall become effective and shall be strictly complied with immediately upon execution or utilization of any portion of the rights and privileges authorized by this Special Use Permit.

BERNALILLO COUNTY DEPARTMENT COMMENTS

Building Department:

Corrections listed below must be corrected for approval:

The caretaker residence is not allowed to be used for commercial purposes.

Building permits will be required for any proposed commercial structures.

Environmental Health:

Water and sewer [acct. 23011590] is connected to the caretakers residence.

Zoning Administrator:

11/MAY/2006

CSU-60020 - requesting contractor's yard (outdoor storage of plants) & MH for caretaker

The front portion of the property to be dedicated for on-site landscaping will meet the area requirements. Staff recommends that ground cover (gravel) and shrubs be added, and that the type of irrigation system and maintenance responsibilities be clarified.

If approved, the use of the caretaker's unit is to be only for residential purposes and cannot be used as an office. Additionally, approval of the request and subsequent site plan will limit the owner's use of the property to only those activities specifically approved in any conditions or on the site plan (i.e., "outdoor plant storage" as indicated on the site plan does not include equipment storage, repair work, or vehicle parking).

Zoning Enforcement:

Based on the above comments there is no adverse comments at this time.

Fire:

NO BUILDING PERMIT FOUND FOR "BUILDING UNDER CONSTRUCTION"

Public Works:

DRAN: 1. This property is subject to the Bernalillo County Code Chapter 38. Prior to any additional development of this property a drainage submittal meeting the requirements of this code will be required.

2. A grading and drainage plan is not required, at this time, as a condition of approval of this Special Use Permit request, because this request appears to be consistent with the current use of the property and no significant changes to the current development are explicitly or implicitly implied.

DRE: 1. Prior to any additional development, improvements to the driveway may be required.

TRANS:

No comments received.

Parks & Recreation:

REVIEWED, NO COMMENT.

Sheriff's:

No comment received

COMMENTS FROM OTHER AGENCIES

MRGCOG:

Edith Blvd is identified as a minor arterial on the Long Range Roadway System with a right of way exception of 68'. In addition, the LRBS identifies Edith Blvd as having on street bike lanes. Please coordinate to ensure these project elements are considered and implemented as appropriate.

AMAFCA:

Danlar Collision, Alameda/2nd, (C-16)
No comment.

City Planning Department:

No comments received.

City Public Works:

Transportation Planning: Project # ZCSU 60020
Findings

1. Edith Boulevard is a minor arterial with a minimum right-of-way of 68 feet as designated on Long Range Roadway System map.
2. Edith Boulevard is proposed to contain on-street bicycle lanes as designated on the Long Range Bikeway System map.

Conditions

1. Dedication of a minimum 34 feet of right-of-way from the centerline of Edith Boulevard a minor arterial as designated on the Long Range Roadway System map.
2. Construction of the bicycle lane improvements adjacent the subject property consistent with the Long Range Bikeways System maps.

Transportation Development: No adverse comments.

Water Resources:

No comment.

City Transit:

No comments received.

COUNTY PLANNING COMMISSION
JUNE 7, 2006
CSU-60020

City Open Space:

Regarding projects to be heard before the County Planning Commission on June 7, 2006, Open Space does not have any comments.

NMDOT

Case Number: ZCSU60020 Case description: Special Use permit for Contractors Yard

Location: 8101 Edith Blvd NE Type of development (Residential/commercial):

Commercial Possible Impacted NMDOT roadway(s): NM 423 Paseo Del Norte and NM 47 (2nd Street) Departments Comments: None since there is no direct significant impact to the state road system

TA/ma 5/3/06

NEIGHBORHOOD ASSOCIATIONS:

Alameda North Valley Association

North Edith Corridor Association